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SUBJECT: AMBASSADOR RICE MEETS KENYA PR ZACHARY MUBURI-MUITA

¶1. (SBU) Summary: In a July 6 meeting, Kenya Permanent Representative Zachary Muburi-Muita informed Ambassador Rice that Kenya had two main agendas at the UN: socio-economic development including achieving the Millennium Development Goals (MDGs), and promoting regional security in Africa. He noted that old frictions between Kenya's president and opposition leader, and within its parliament, continued to deter meaningful institutional reforms. Muburi said that it was in Kenya's self interest to remain engaged in Southern Sudan, the Congo and Somalia. He said, however, Kenya should not be expected to shoulder the whole burden, especially in dealing with refugees and the prosecution and detention of pirates. Ambassador Rice pushed Kenya to implement its political reform agenda. Muburi was confident the constitution revision process would get underway this summer in a meaningful way, and that a special tribunal would be established to obviate referral to the ICC of cases stemming from last year's violence.
End Summary.

Domestic Politics and Development

¶2. (SBU) Muburi noted that, unless Kenya can address its citizen's basic needs and meet the MDG's, it will continue to suffer from political instability and fall victim to "bankrupt" politicians who exploit numerous long-standing ethnic frictions. Muburi described efforts to improve domestic institutions as "stalled." In response to Ambassador Rice's question regarding the current state of Kenya's domestic politics, Muburi said its "unique" situation with two leaders had not gelled as much as has been expected. He said that while President Kibaki and opposition leader Odinga both said the right things publicly, they did not work well together. This leadership dynamic, coupled with unresolved fractures within Kenya's parliament, reflected wounds that were still open and provided little hope for achieving meaningful constitutional, judicial and electoral reforms before 2012 elections. (Note: Muburi, however, assured DepPolCouns that Kenya's constitutional revision process would at least be started in earnest this summer. End Note.)

¶3. (SBU) With regard to addressing crimes committed during the last election, Muburi said there is still a large split between those who wish to see these issues addressed in the International Criminal Court (ICC) and those who wish to address them domestically, perhaps through a truth and justice commission. (Note: Leaving the meeting, Muburi said Kofi Annan was giving Kenya a "friendly push" by giving it an ultimatum that Annan would suggest referring cases to the ICC if it did not create a domestic special tribunal. Muburi said Kenya was taking Annan's suggestion to heart and Kenya would, in his opinion, create the court in time to obviate referrals to the ICC. End Note.)

Regional Security

¶4. (SBU) Muburi said that Kenya has a strong interest in helping address conflict and instability in Southern Sudan and the Congo. He said he had told ICC prosecutor Jose Luis-Moreno that he should not allow Darfur-related developments such as ICC prosecutions to threaten the Comprehensive Peace Agreement. Muburi lamented that the two hotspots had a wealth of natural resources and should be contributing to regional development, and not dragging it down. Refugees from these regions that cross into Kenya were putting tremendous strain on Kenya's own resources and economy. Some even traveled to urban areas and were adding to ethnic frictions. Muburi urged the U.S. to provide greater support to Kenya in its efforts to cope with the refugees. Ignoring the issue will only create animosity and encourage those with radical domestic political agendas, he said.

Somali Pirates

¶5. (SBU) Muburi noted that while Kenya continues to accept, detain, and prosecute Somali pirates, many in the Kenyan Government are beginning to express concern about creating a second "Guantanamo Bay" in Kenya. He said it was important to spread out responsibility for dealing with the captured pirates to other countries. Muburi added that Kenya remains engaged in Somalia peace negotiations. He noted that many senior officials from the Middle East also participated in the negotiations, but that they often chose sides and were very unhelpful.

USUN NEW Y 00000669 002 OF 002

¶6. (SBU) Ambassador Rice urged Kenya to implement its reform agenda. Citing long and close U.S.-Kenya relations, she said it was painful for us to watch the continued internal tensions play out. She cited the recent visit by Assistant Secretary Carson as the most recent expression of the special interest the U.S. has in Kenya. She said that the region needs a more stable Kenya, with deeper democratic processes and strengthened development that can again be an example to its neighbors.

RICE